

US EPA ARCHIVE DOCUMENT



**METROPOLITAN SEWER DISTRICT
OF GREATER CINCINNATI**

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James A. Parrott
Executive Director

June 4, 2009

Chief, Enforcement and Compliance Assurance Branch
Water Division (WWC-15J)
U.S. EPA, Region V
77 West Jackson Blvd.
Chicago, Illinois 60604

U.S. Department of Justice
Chief, Environmental Enforcement Section
Environment and Natural Resources Division
Post Office Box 7611
Washington, D.C. 20044-7611
Reference DJ #90-5-1-6-341A

Ohio EPA Southwest District Office
Attn: DSW Enforcement Group Leader
401 East Fifth Street
Dayton, Ohio 45402-2911

Chief, Environmental Enforcement Section
Ohio Attorney General's Office, 25th floor
30 E. Broad Street
Columbus, Ohio 43215-3428

Alan H. Vicory, Executive Director & Chief Engineer
ORSANCO
5735 Kellogg Avenue
Cincinnati, Ohio 45228-1112

RE: Submission of Final Wet Weather Improvement Program

Dear Ladies and Gentlemen:

The Metropolitan Sewer District of Greater Cincinnati ("MSD"), on behalf of the Defendants City of Cincinnati and Hamilton County Board of Commissioners, hereby submits the enclosed Final Wet Weather Improvement Program ("Final WWIP") to U.S. EPA, Ohio EPA, and ORSANCO (collectively, the "Regulators") in compliance with the requirements of the Clean Water Act, the two Consent Decrees[†] entered on June 9, 2004 in *United States, et al. v. Board of County Commissioners, CA-1-02-107* (collectively, the "Consent Decrees"), the order of the U.S. District Court entered December 3, 2008, and the Regulators' Formal Response Letter dated November 25, 2008 ("Regulators' Response Letter").

[†]Judge S. Arthur Spiegel, on June 4, 2004, signed a Consent Decree on Combined Sewer Overflows, Wastewater Treatment Plants and Implementation Capacity Assurance Program Plan for sanitary Sewer Overflows (the "CSO Decree") in *United States of America, et al., v. Board of County Commissioners of Hamilton County, Ohio, et al.*, U.S. District Court, Southern District of Ohio, Case No. C-1-02-107. The Court entered on the same date a companion Consent Decree, entitled "Interim Partial Consent Decree on Sanitary Sewer Overflows" (the "SSO Decree").

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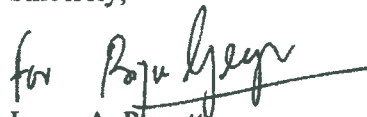
Water Enforcement &
Compliance Assurance Branch
U.S. EPA Region 5

This Final WWIP includes the CSO Long Term Control Plan Update ("LTCPU") and the Capacity Assurance Program Plan ("CAPP"). As used in the Final WWIP, "Defendants" means, collectively, the Board of County Commissioners of Hamilton County, Ohio and the City of Cincinnati, Ohio, and "Regulators" means, collectively, the U.S. EPA, Ohio EPA, and the Ohio River Valley Water Sanitation Commission.

In June 2006, Defendants submitted a Wet Weather Improvement Program plan ("2006 WWIP") to the Regulators. Defendants intended for the WWIP to fulfill the CAPP and LTCPU requirements of the 2002 Interim Partial Consent Decree on Sanitary Sewer Overflows ("SSO Decree") and the 2004 Consent Decree on Combined Sewer Overflows, Wastewater Treatment Plants and Implementation of Capacity Assurance Program Plan for Sanitary Sewer Overflows ("CSO Decree"). On September 16, 2008, Defendants proposed significant changes to the 2006 WWIP, in a document entitled 2008 Revised Wet Weather Improvement Program Detailed Conceptual Outline Report ("2008 Revised WWIP"). On November 25, 2008, the Regulators issued a letter to Defendants declining to approve the 2006 WWIP and 2008 Revised WWIP. On March 25, 2009, Defendants proposed additional changes to the 2006 WWIP and 2008 Revised WWIP in a letter to the Regulators with detailed attachments ("2009 Revised WWIP"). The Regulators have thereafter obtained comments from the Sierra Club and have contacted Defendants in order that a final WWIP be submitted that is consistent with the Regulators' Response Letter. This Final WWIP (including its attachments) is proposed as the final WWIP, which Defendants believe will address the Regulators' comments and inquiries. This Final WWIP is based upon and supported by the monitoring, modeling, analytical, and public participation efforts that Defendants performed in accordance with the SSO and CSO Decrees, the information developed and submitted to the Regulators in the 2006 WWIP, 2008 Revised WWIP, and 2009 Revised WWIP, and other reports, studies, and information provided to the Regulators and Sierra Club after the entry of the SSO and CSO Decrees.

This Final WWIP is proposed on the condition that the CSO and SSO Decrees are modified to conform to this Final WWIP regarding certain project and schedule related issues.

Sincerely,



James A. Parrott
Director

Encl.

cc: Board of County Commissioners
City Manager, City of Cincinnati
Marilyn Wall, Sierra Club